

JULIE LASSA

STATE SENATOR

Testimony on Senate Bill 313
Senate Committee on Education
Thursday, March 25, 2010
10:00 am

Senator Lehman and committee members, good morning.

Thank you for holding a hearing today on Senate Bill 313. This legislation is one of many bills that have been forwarded by the Legislative Council Special Committee on Performance-Based Disease Management Programs for Large Populations. As Chair of that Committee, I believe this is important legislation that represents a positive step that we can take to promote health and wellness in children and stop the rise in childhood obesity.

First Lady Michelle Obama's initiative to fight childhood obesity has focused the nation's attention on the epidemic of obesity in the United States and the serious health problems associated with it, both now and in the future. The statistics are disturbing: the Centers for Disease Control reports that 65% of our country's population is overweight, one in three children in the United States does not get the recommended amount of daily vigorous activity, and the incidence of obesity in children between the ages of 6-11 has doubled in the last twenty years. Nearly a third of all children in this country are overweight or obese, and a third will suffer from diabetes at some point in their lifetimes. And doctors are seeing children with other diseases – high blood pressure, cancers, arthritis, joint and back problems – that were once seen only in older adults. Medical experts are now warning that for the first time in the history of our nation, the next generation may be on track to having a shorter lifespan than their parents' generation. If this does not set off alarm bells in Wisconsin and around the country, I don't know what will.

Our state is by no means immune from this problem. The National Initiative for Children's Health Care Quality issued Wisconsin a grade of "C" on their report card for childhood obesity related activities. This crisis doesn't only affect those children whose health is in jeopardy; it affects each one of us. The estimated health care costs attributable to obesity in Wisconsin adults totals \$1.5 billion. The obesity epidemic, beginning with our children, holds dire negative consequences for the health of the people of Wisconsin, for future health care budgets, and for the economy of our state, unless we take action to combat these statistics and reverse the obesity trend.

As policymakers, we have considerable influence over how students throughout Wisconsin spend their day in our schools and a great opportunity to help prevent childhood obesity. Senate Bill 313 sets nutritional standards for all food sold in schools, bans the sale of soda and candy during school hours through both food services and vending machines, prohibits the sale of any beverages other than milk, water and 100% fruit or vegetable juice on school grounds during the school day and requires that schools annually test the aerobic capacity of students in grades 3-12.

Currently, the only nutritional guidelines that schools are required to use are those of the USDA free and reduced school breakfast and lunch programs in exchange for federal money. Senate Bill 313 adopts USDA standards and applies them to all food sold in public schools, charter schools and private schools. The bill requires that, beginning in the 2012-2013 school year, food sold on school grounds may contain no more than 30% of total calories from fat,

excluding nuts and seeds, and no more than 10% of total calories are from saturated fat. The bill also encourages the consumption of whole grains, fresh fruits and fresh vegetables.

Soda pop is a major contributing factor to obesity in children. In 2004, the American Academy of Pediatrics recommended that that soda and other soft drinks be banned from schools to help tackle our nation's obesity epidemic. Not only do regular sodas contain empty sugar calories, diet sodas have nearly the same acidity levels as battery acid. Senate Bill 313 will encourage healthier eating habits by limiting the sale of soft drinks and candy on school grounds to after the end of the school day. These products are allowed to be sold starting one half-hour after the end of the school day as long as they are not sold from vending machines for after-school events. Additionally, the bill permits the sale of milk, water and 100% fruit or vegetable juice on school grounds during the school day and encourages school fundraising that involves the sale of food to follow these requirements.

Physical education and activity in school is important, but a child's physical fitness isn't just limited to the school day, which is why family involvement is key. Since family is the largest aspect of a child's environment, Senate Bill 313 requires that physical fitness assessments be conducted annually for children in grades 3-12 and the results sent home to parents so that they better understand their child's fitness level. This information can be a valuable tool to parents looking to positively impact the health of their child.

The Appleton Area School District has adopted many of these policies as part of their Promoting Healthy Lifestyles program. Their program began in 2003 and was phased in over three years. Since the program's inception the district has seen an increase in students' ability to concentrate and think more clearly; better practice of good nutrition outside of school; fewer health complaints and less feelings of hunger in mid-morning and afternoon. Dr. Scullen, the former Superintendent of the District, stated that student drop-outs and expulsions became non-existent after the policy went into place because healthier lifestyles translated into better academic performance.

With this legislation, we have a chance to make a real difference in the health and well being of Wisconsin's children. Thank you again for hearing Senate Bill 313, and I hope you will give it your support.



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March 25, 2010

TO: Members-Senate Committee on Education
Senator John Lehman-Chair

FROM: Rep. Chuck Benedict

RE: SB 313

Senator Lehman, members of the committee, thank you for the opportunity to appear before you today in support of Senate Bill 313 relating to school nutrition and student fitness assessments.

Senate Bill 313 is a companion bill to AB 620 which I'm authoring in the Assembly and is the result of a Joint Legislative Council Study Committee. I thought it might be useful to committee members to be briefed on the changes that have been made to the Assembly version of the bill during review by the Assembly Committee on Public Health-which I chair. The changes I will be discussing are included in Assembly Substitute Amendment #2, which passed the committee on February 12, 2010.

During executive action on the bill, an amendment was adopted which applies the requirements of the bill to begin in the 2011-2012 school year rather than 2010-2011 as originally proposed. An additional amendment will be offered to clarify a concern dealing with chocolate milk and another dealing with school fundraisers to make clear that they will be exempt from the bill.

My office has been in discussions with representatives of the Wisconsin Beverage Association relative to guidelines utilized by the Alliance for a Healthier Generation. We appreciate their efforts to help address childhood obesity concerns and the progress they have made in many schools. I also appreciate their willingness to work with me and we have incorporated some of their ideas to date. I am open to continuing

discussions with them in an effort to determine if further agreement can be reached.

Currently, meals sold through the USDA school lunch program need to conform to certain nutritional standards, but those sold a-la-carte or in vending machines do not. This legislation extends the USDA requirements to these other areas.

Items sold in fundraisers or 30 minutes after the school day ends are unaffected.

There are no restrictions on what kids can bring to school on their own.

Additionally, it provides for annual aerobic fitness testing for school children in grades 3-12 with the individual results distributed to the parents.

Specifics:

- Annual aerobic fitness testing is required for students in grades 3-12. The individual results are then distributed to parents.
- Bans sales of candy and sugared soda during the school day
- Foods must contain <35% of calories from fat and <10% from saturated fat
- Milk (2% or less), low fat chocolate milk, nuts/seeds and cheese are exempt

Frequently Asked Questions

What will still be available for sale in school vending machines?

Vendors will have a wide variety of choices to sell. Among the options:

- Water
- 100% fruit or vegetable juice
- Milk (2% or less)
- Low fat Chocolate or flavored milk
- Diet sports drinks: Gatorade G2, Powerade Option, Powerade Zero
- Propel Fitness Water
- Diet Snapple
- Vitamin Water 10
- Other beverages containing up to 40 calories per container

Why is the limit set at 40 calories per container?

The 40 calories per container limit was decided in a good-faith compromise to allow low-calorie sports drinks and diet beverages. Specifically, certain groups were interested in selling products such as Propel Water, which is allowed under this bill. The "per container" quantity was used rather than "per serving" as a result of DHS recommended language. In addition, this prevents the potential for manipulation of serving sizes to sell higher calorie beverages.

Will there be an amendment offered to allow the sale of flavored milk?

The chocolate milk portion of the bill was intended to allow low-fat versions of chocolate milk. Unfortunately, the pre-amendment language was inadvertently too strict and essentially banned all chocolate milk. As a result, I intend to offer a floor amendment that will fix this so that chocolate milk with up to 170 calories per 8 oz serving is allowed.

Is there a fiscal effect?

This bill was crafted in an attempt to be as fiscally neutral as possible. For schools to purchase fitness testing software, there is a one-time cost of approximately \$300 per school building. Group discounts exist if they are purchased at the district level. The Milwaukee Public School District testified that they implemented the software that can be used in all 175 schools for approximately \$50,000, with the assistance of some grants from DPI.

The fiscal effect of implementing the nutritional requirements will vary by school. The Appleton Public School District has already made these changes and testified that they saw no loss of revenue.

What are the logistics of conducting the fitness testing in high school students?

The fitness test schedule for high school students was designed to match the same requirements as state physical education curriculum. Students will be tested annually in each of the 3 separate years they take the class.

Can our student athletes still drink/buy Gatorade?

Yes. There are 3 ways that student athletes can access sports drinks:

- Schools can have dedicated sports drink only vending machines if the machines are turned off before school starts and turned on 30 minutes after school ends.
- School fundraisers and booster club sales are exempted from the rules and are free to sell the products.
- There are no restrictions on what children choose to bring from home.

How could pending changes at the federal level for the USDA meal program affect this legislation?

Unfortunately, there is no way of knowing what the potential changes may be. It is possible that some tweaking to the current legislation may be necessary in the future. However, DPI has not been overly concerned at the possibility.

When does the bill go into effect?

Fitness testing will begin the following school year after the bill is signed. Any new vending contracts will need to conform to the bill's requirements, but existing vending contracts are unaffected. Schools will have until July 2012 to become fully compliant.



State of Wisconsin
Department of Health Services

Jim Doyle, Governor
Karen E. Timberlake, Secretary

Senate Committee on Education – SB 313

March 25, 2010

Carrie Kahn, Legislative Liaison

Jon Morgan, Physical Activity Coordinator

Amy Meinen, Nutrition Coordinator, Nutrition, Physical Activity, and Obesity Program

Chairman Lehman and members of the Committee, thank you for the opportunity to testify on this important piece of public health and education policy legislation.

I am here today with staff members of the Department's Nutrition, Physical Activity, and Obesity Program, which is funded through a 5-year Cooperative Agreement with the Centers for Disease Control and Prevention. The Program and its partners provide leadership on statewide obesity prevention initiatives as outlined in the *Wisconsin Nutrition and Physical Activity State Plan*. Program staff provided expertise during the recent Legislative Council Study from which this bill resulted.

Unhealthy eating and inactive lifestyles are primary causes of obesity. Over the past few decades Wisconsin has experienced an obesity epidemic. Sixty-four percent of Wisconsin adults are overweight or obese. With respect to youth, 32% of Wisconsin third graders and 23% of Wisconsin high school students are already overweight or obese. After age 6, obese children have a greater than 50% chance of becoming obese adults.

Reducing the prevalence of obesity through healthier eating and physical activity is a high priority for the Department of Health Services. The Healthiest Wisconsin 2010 and 2020 State Health Plans, led by the Department, have highlighted the importance of addressing obesity. In addition, Wisconsin has received \$10 million in federal stimulus funding to take on the obesity epidemic, especially among young people and children who are most at risk of developing unhealthy lifestyles. Obesity is a leading cause of many chronic diseases and youth are being affected earlier in life. One study estimates that 70% of obese young people had one risk factor for cardiovascular disease and 39% had at least 2 additional risk factors. Children and adolescents account for 50% of the new type 2 diabetes cases in some communities. Furthermore, the estimated health care cost attributable to obesity in Wisconsin adults is \$1.5 billion. If the obesity rate continues to climb in Wisconsin, costs are projected to quadruple within the next decade.

In terms of health disparities, students of color and of lower socio economic status are at greatest risk for obesity. Thirteen percent of White third grade students are obese compared to 22.5% of Black and 32.9% of Hispanic students. In this same population, schools with less than 25% free and reduced lunch participation have an obesity rate of 12%; conversely, schools with more than 75% participation have an obesity rate of 27%. In Milwaukee Public High Schools, the rate of overweight and obesity is 37% compared to the state value of 23%. Milwaukee Public High Schools have more than four times the percentage of minority students and about triple the percentage of students eligible for the free and reduced lunch program.

Solving the obesity problem will require multiple groups coming together to address it through policy and environmental changes where we live, work, learn and play. Students spend a significant amount of time in school and consume between 1/3 and 2/3 of their daily meals and snacks there. Research suggests increasingly that academic performance is impacted by good nutrition and adequate physical activity.

The policy objectives of SB 313, increasing physical activity in schools and decreasing consumption of sugary high caloric foods, are supported by obesity prevention literature and in line with Healthiest Wisconsin 2010 and 2020 goals. The policy mechanisms of SB 313, the implementation of testing mandates for schools and prohibition of sales of certain products in schools, fall outside of DHS' regulatory purview. DHS does not regulate schools and defers to our partner agency, the Department of Public Instruction, and school districts regarding public comment on the policy mechanisms outlined in SB 313.

School Fitness Assessments

Only half of Wisconsin high school students meet the minimum physical activity recommendation of 60 minutes per day. A recent survey showed that 90% of Wisconsin schools are already doing some type of fitness testing. Approximately 40% of schools are already using that Fitnessgram software. The cost of software is relatively low for schools (\$300: 1 site only) or school districts (\$1,500-multiple sites). Fitnessgram software helps schools provide high quality, cost effective physical education through regular student fitness assessments and use of the data to best plan curriculum and structure physical activity to meet the needs of their student populations. Federal stimulus funding will allow DPI to provide the Fitnessgram software to 20 schools chosen for mini-grants.

Other states have already done what is being proposed in this bill including California and West Virginia. Approximately 25% of states have required fitness testing and body mass index assessments.

School Nutrition Standards for Competitive Foods

Research shows that when unhealthy foods are easy to obtain, students make less healthy choices. 60% of Wisconsin middle and high schools sell unhealthy foods like soda, candy, chips, cookies, or snack cakes, yet only 14% of these schools consistently offer fruits or non-fried vegetables in vending machines, school stores, and during celebrations. Moreover, fewer than one in five Wisconsin high school students report eating fruits and vegetables five times a day.

Nutrition standards make sense for many reasons:

1. When competitive foods are sold to students they displace fruits, vegetables and other healthy foods since what is available influences what students eat.
2. Research shows that good nutrition is not only essential to obesity prevention and to healthy growth and development, but also to academic achievement.
3. The *Nutrition Standards for Foods in Schools* released by the Institute of Medicine in 2007, states that competitive foods should be limited in schools.

Clearly obesity prevention is quickly becoming a national focus. First Lady Michelle Obama is confronting this issue head-on and putting obesity and nutrition issues in the national spotlight. Things are happening and Wisconsin is taking action. Several Wisconsin school districts are beginning to address competitive foods and beverages. Furthermore, 27 other states have already adopted similar competitive food and beverage policies. All Wisconsin students should have access to healthy foods and beverages at schools. Improving the food environment in schools is a feasible and effective way to improve student health.

In conclusion, Wisconsin has a serious obesity problem and increasing physical activity and decreasing consumption of high caloric foods to decrease obesity in school-aged youth in Wisconsin is good public health policy. However, SB 313 is not simply a public health policy bill, but also an education policy bill requiring changes to how schools do business. While we support from a public health perspective, we defer to education policy experts on the impact of the bill on Wisconsin's schools.

**Expert Educational Testimony to the WI Senate Committee on Education Regarding SB313
March 25, 2010**

I have been a researcher and educator in the field of food and nutrition for the past 40 years. I teach a course on community nutrition and I have written a book on nutrition for early childhood settings that will be coming out in April of this year. I am chair of WI PAN, a statewide coalition that promotes nutrition and physical activity to prevent obesity and diabetes and I was part of a Legislative Council study group that recommended physical fitness assessments and stricter standards for foods and beverages in schools and child care programs.

As policy makers, I want you to know how important good nutrition is in promoting children's physical development and their ability to learn. Research shows that it is important to provide healthy food from the earliest stages of a child's development.

A recent editorial in the *New England Journal of Medicine* (Ludwig, 2007) refers to child obesity as a "looming crisis" that demands immediate and focused attention. The U.S. Surgeon General points out that this issue cannot be solved by parents alone. Indeed, all major stakeholders including lawmakers, government agencies, schools, and early childhood programs must do their part by working with parents and other stakeholders to make sure that all children have access to healthy foods and beverages, nutrition education, and physical activity.

Following are some basic facts that show how important it is to address these problems without delay.

- Almost 20% of children ages 6 to 11 are now considered obese. That percentage is approximately three times higher than it was 30 years ago (Ogden, 2010).
- According to the Centers for Disease Control and Prevention, obese children have increased risk factors for cardiovascular disease and higher than normal rates of asthma, hepatic steatosis (fatty liver), sleep apnea and Type 2 diabetes.
- Obese children and adolescents have a high risk of becoming obese adults (Whitaker, 1997).
- Obesity and poor nutrition are health issues with strong fiscal ramifications. The estimated health care costs that are attributable to obesity in Wisconsin adults amount to \$1.5 billion per year (Finkelstein 2003).
- The American Dietetic Association, the Society for Nutrition Education, the American Academy of Family Physicians, the American Academy of Pediatrics, the U.S. Surgeon General, U.S. Department of Agriculture, and the U.S. Department of Health and Human Services and other leading experts in health and nutrition recommend stronger policies and programs to improve nutrition and physical activity for children at home, in their schools and in their communities.

References

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Respectfully submitted by:

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March 25, 2010
Senate Committee on Education

**Department of Public Instruction Testimony on
Senate Substitute Amendment 1 to Senate Bill 313**

Thank you to Chairperson Lehman and members of the committee for the opportunity to testify before you today. My name is Doug White and I am the Director of the Student Services, Prevention and Wellness Team for the Department of Public Instruction (DPI). On behalf of State Superintendent Tony Evers I am here today to testify for information on Senate Substitute Amendment 1 to Senate Bill 313.

The department cannot overstate the importance of nutrition, health, and physical education in ensuring that every student has the opportunity to learn healthy habits and carry those habits forward both during and after their formal pre-K-12 education has been completed. The department's work to target obesity crosses teams and divisions as we coordinate our efforts in the areas of nutrition, health and wellness, and physical education. The goals of the substitute amendment, to ensure healthier foods are available to students and that schools are actively addressing physical fitness are in line with the department's work in this area and our efforts to make every child a graduate.

The DPI oversees nutrition programs for daycare, preschool, and school age children. The department serves healthy meals through the Child and Adult Care Food Program and the Summer Food Service Program. In addition, we oversee the federal school lunch, special milk, breakfast, after school snack, and fresh fruit and vegetable programs. All federal child nutrition programs for schools must adhere to the USDA Dietary Guidelines for Americans. These provide the requirements for the meal patterns used in the National School Lunch Program and the Breakfast Program. The School Meal Initiative Nutrient Analysis (SMI), which is a measure of consistency with the USDA Dietary Guidelines for Americans, is completed by DPI's public health nutritionists who are registered dietitians. They are required to analyze one week worth of menus from a school in each of our 425 school districts and all private schools every five years. Currently, USDA requires monitoring of calories, fat, saturated fat, protein, calcium, iron, and vitamins A and C. As a state, we also monitor for sodium, dietary fiber, and cholesterol. Part of the SMI process includes consultative assistance by the public health nutritionists to develop improvement plans to meet nutrition standards. The department does not provide similar assistance to school districts for foods sold outside the USDA meal programs.

Per USDA regulation, schools also must prohibit the sale of foods in the categories of minimal nutritional value and control the sale of any competitive foods in the food service areas during the designated meal periods. The rationale for this is that the availability of foods sold in competition with school meals jeopardizes the nutritional effectiveness of the programs and may be a contributor to the trend of unhealthy eating practices among children and subsequent health

risks. The substitute amendment carries this rationale forward to other foods and drinks sold at school or on school grounds by creating nutritional requirements, prohibiting the sale of soft drinks, and encouraging school fundraisers to follow these nutritional requirements.

Wellness policies became a USDA requirement for all schools to implement by the 2006-07 school year. Wellness policies have helped schools to address factors that contribute to childhood obesity, but schools have needed extensive education and support to meet and implement all the policy requirements. These policies must include:

- Goals for nutrition education, physical activity, and other school-based activities designed to promote student wellness;
- Nutrition guidelines selected by the district for all foods available on school grounds during the school day with the objectives of promoting student health and reducing childhood obesity; and
- A plan for measuring implementation of the local wellness policy.

The department does not regulate wellness policies, but we do provide guidance. School districts are not required to report their policies to the department and the department currently has no oversight authority in regards to these policies. As a result, while the department believes many school districts have made significant changes to the nutritional value of foods and drinks available on school grounds, we do not have any data to share with you today as to the status of those efforts.

The substitute amendment also requires an annual evaluation of all students grades 3-12 for aerobic capacity and for the state superintendent to develop rules to determine exceptions to the evaluation and the assessment instrument to be used. While physical education is required under statute, there are currently no state requirements for assessments of aerobic capacity.

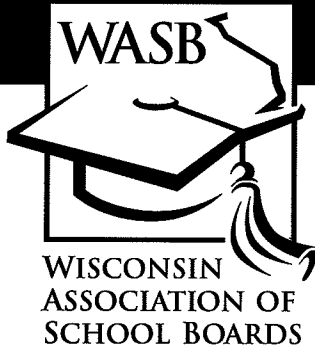
Physical education is required to be provided at least three times per week in grades K-6 and weekly at the middle school level. In high school access must be provided to all students in grades 9-12 and 1.5 credits are needed for graduation. These credits are to be earned over three separate years. Given the high school requirements an annual evaluation, depending on the assessment instrument used, may pose administrative issues for students who do not take physical education one year in high school.

The only current effort underway by the department to evaluate the aerobic capacity of students is a voluntary program called the FitnessGram physical fitness test. This is an effort done in conjunction with the University of Wisconsin as part of a three-year project targeted towards middle schools. The FitnessGram is a software program that costs around \$350 per school and tests four components of fitness: aerobic capacity, strength, flexibility, and body composition. One option for testing aerobic capacity is the Progressive Aerobic Cardiovascular Endurance Run (PACER). Age and gender norms have been developed for these tests.

Schools do, however, use a variety of physical fitness assessments to evaluate students. We estimate that 30 to 40 percent of schools use the FitnessGram. However, schools also use the President's Challenge or self-designed assessments. The President's Challenge is a physical

fitness test that recognizes students for their level of physical fitness in 5 events: curl-ups or partial curl-ups, shuttle run, endurance run/walk, pull-ups or right angle push-ups, and V-sit or sit and reach. Students who score above the 50th percentile receive a Presidential Physical Fitness Award.

The department looks forward to working with the committee further on the issue of student health and nutrition and thanks you for the opportunity to testify before you today. I would be happy to answer any questions you may have.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Senate Education Committee
FROM: Sheri Krause, Government Relations Specialist
DATE: March 25, 2010
RE: Senate Bill 313, related to physical fitness assessments and school nutrition

The Wisconsin Association of School Boards (WASB) supports “local policies and programs for students, families and staff that promote lifelong physical activity and healthy and nutritious eating habits as necessary strategies for improving student achievement and preventing health problems.”

The WASB appreciates the efforts of the authors of Senate Bill 313 to address school district concerns. This testimony attempts to address additional questions which have arisen.

Fiscal Impact

According to the Department of Public Instruction (DPI), 150 school districts have received free FitnessGram software through a grant program to date. There is sufficient grant funding to pay for approximately 60 more schools to receive this software without cost. The software costs \$300 per school building. The grant expires in June.

However, depending upon the final administrative rules, schools would not necessarily have to purchase this particular software to conduct the physical fitness assessments.

Under SB 313, all school districts will have costs associated with compiling and distributing the physical fitness assessment results to parents or guardians and the DPI. The fiscal estimate prepared for the companion legislation, Assembly Bill 620, is attached.

Local School Wellness Policies

Current Law

As of the 2006-07 school year, school districts participating in federally subsidized child nutrition programs (e.g., National School Lunch Program, School Breakfast Program) are required to establish a local school wellness policy, according to provisions included in the Child Nutrition and WIC Reauthorization Act of 2004.

Minimum policy requirements include:

1. **Development** - The policy must be developed with involvement from the school board, school administrators, school food service representatives, students, parents and the public.
2. **Goals** - The policy must include goals for nutrition education, physical activity and other school-based activities that are designed to promote student wellness.
3. **Nutrition Guidelines** - The policy must include nutrition guidelines selected by the school district for all foods available in the district during the school day.
4. **Nutritional Standards** - School meals must meet at least minimum nutritional standards set forth in federal child nutrition program laws and regulations, including but not limited to the *Dietary Guidelines for Americans*.
5. **Measuring Implementation** - The policy must establish a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the district or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy.

On March 17, 2010, Senate Agriculture Chairwoman Blanche Lincoln (D-AR) released a discussion draft of legislation to reauthorize the Child Nutrition Act, the Healthy, Hunger-Free Kids Act of 2010. The draft would reauthorize school lunch, breakfast and other child nutrition programs until 2015. Key provisions impacting public schools include:

- **National Standards** - Requires the Secretary of Agriculture to update nutrition standards for the school lunch and breakfast programs based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academies of Science and; authorizes additional reimbursement of six-cents per school lunch that complies with the standards, school lunches not in compliance will not receive the additional reimbursement and authorizes \$50 million to fund technical assistance and oversight by states.
- **Nutrition Standards** – Requires the Secretary to establish nutrition standards for foods sold in schools other than foods sold under the school lunch program, based on Dietary Guidelines under the National Nutrition Monitoring and Related Research Act. The standards would apply to all foods sold on the school campus at any time during the school day. There is a narrow exemption for infrequent, school-sponsored fundraisers. The exemption does not apply to vending machines, school stores, snack bars or a la carte sales.
- **Local School Wellness Policies** - Additions to existing law on wellness policies require school districts to: 1) Permit parents, students, the school food authority, the school board, school administrators, and the general public to participate in the development and periodic review of the local school wellness policies; 2) Inform and update the public about the content of the local wellness policy; and 3) Develop a plan to measure implementation of the policy and designate one or more school officials to ensure compliance.
- **Training** – \$5 million authorized in FY 2011 and \$1 million annually thereafter for the training of school food service workers.

Fiscal Estimate - 2009 Session

☐ Original ☐ Updated ☐ Corrected ☒ Supplemental

LRB Number 09s0253/2		Introduction Number ASA2-AB620	
Description Physical fitness assessments, school nutrition, and granting rule-making authority			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
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5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input checked="" type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
DPI/ Lori Slauson (608) 267-9127		Michael Bormett (608) 266-2804	2/10/2010

through this reauthorization, the USDA will implement new regulations that establish national nutrition standards consistent with the Dietary Guidelines for Americans for goods and beverages sold outside of the school meals program. Once the Child Nutrition Act is reauthorized, this substitute amendment to AB 620 may conflict with the federal guidelines and could require future statutory changes or potentially risk federal nutrition program funding.

Long-Range Fiscal Implications

To: Senate Education Committee

From: Mara Brooks, WDA

Re: SB 313 – Nutrition in Public Schools

Date: March 24, 2010

The Wisconsin Dental Association is supportive of SB 313 because of its limitation on unhealthy food choices in the school systems. WDA represents nearly 85% of all licensed dentists in this state and our member dentists see the negative oral health impact borne by excessive consumption of regular and diet sodas as well as fruit juices and high sugar milk drinks.

The frequent consumption of acidic and sugary beverages increases the risk of tooth decay – if you look through the attached brochure you'll see some examples of the levels of acid and sugar in some of the more popular soft drinks and power drinks. I think you'll be astounded to discover the acid-content comparison between battery acid (at the bottom of the page) and that of the drinks that are listed. Several studies have linked obesity, diabetes, osteoporosis and oral health problems in children to increasing consumption of carbonated beverages, fruit juices, sports drinks and high sugar milk drinks.

Our members frequently tell stories of children who have been in their practice since toddlerhood that have had no cavities and then all of a sudden show up in the practice with a mouthful of decay in early adolescence. After some questioning, it becomes apparent that the student has obtained access to the sugar and acid found in soda and other beverages (as well as candy) that is readily available through the vending machines in their schools and which they now have greater freedom to purchase outside of the watchful eyes and guidance of their parents.

Archdiocese of Milwaukee

Association of Christian
Schools International

Christian Schools International

Diocese of Green Bay

Diocese of La Crosse

Diocese of Madison

Diocese of Superior

Lutheran Church Missouri
Synod North Wisconsin District

Lutheran Church Missouri
Synod South Wisconsin District

Wisconsin Association of
Independent Schools

Wisconsin Conference of
Seventh Day Adventists

Wisconsin Evangelical Lutheran
Synod – Northern District

Wisconsin Evangelical Lutheran
Synod – Western District

Wisconsin Evangelical Lutheran
Synod – Southeastern District

Contact WCRIS

PO Box 7035
Madison, WI 53707

PHONE 608/204-0795

wcris.staff@gmail.com

www.wcris.org

TO: Senate Education Committee
FROM: Matt Kussow, Ex Dir
RE: SB 313
DATE: March 25, 2010

WCRIS is a non-profit association representing over 800 Catholic, Lutheran, Christian, Seventh Day Adventists and independent schools across Wisconsin.

The association is currently opposed to SB 313 due to our concerns with state mandates and government regulation. While many private schools will opt to participate in the FitnessGram program, the ability to control our own curriculum is central to the beliefs of private schools. We strive to secure our independence from state mandates, and ask Committee members to exempt us from the physical fitness requirements in the bill.

In addition, we are concerned with the level of government oversight contained in the provisions relating to soft drink and candy sales on private school property. Once again, we share your goal of encouraging healthier life choices. However, the level of government oversight on private property created under SB 313 is troubling for our members, despite the fact that most of our schools have already implemented the provisions contained in SB 313.

In conclusion, private schools are highly sensitive to parental concerns and strive to respond to the changing social needs of all students. With that said, we ask elected leaders to let that market force work without additional government oversight on private schools.

Thank you for considering our request. Please feel free to contact me if you have any questions or concerns with our position on SB 595.



SCHOOL NUTRITION ASSOCIATION OF WISCONSIN

Making the right food choices, together.

TO: Chairman Lehman and members of the Senate Education Committee
FROM: Karen Brummer - Legislative Chair, School Nutrition Association of WI
DATE: March 25, 2010
RE: *Senate Bill 313* – School Nutrition Legislation

The School Nutrition Association of Wisconsin (SNA-WI) believes school nutrition programs are an integral part of education and are vital in developing the full potential of Wisconsin students. Our members appreciate legislative efforts to improve school nutrition, and we believe Senate Bill 313 is well-intentioned policy that would help improve the health and wellness of Wisconsin students.

Under SB 313, Wisconsin schools would be required to follow certain nutritional requirements for food sold outside of federally reimbursed USDA meal programs (i.e., a la carte items). For example, the legislation would limit the amount of calories from fat and saturated fat in food items and prohibit the sale of high-calorie beverages and candy on school grounds during the school day. In addition, the bill would require schools to assess the physical fitness of students in grades 3 through 12.

While SNA-WI supports the general concept of SB 313, our association would ask you to consider making the following modifications to this important legislation that were made to AB 620 (the Assembly companion bill) by the Assembly Public Health Committee (via ASA 2 to AB 620):

1. **Increase the fat limit requirement for a la carte food items to contain no more than 35% of calories from fat** – rather than the 30% limit currently in the bill. According to the Dietary Guidelines for Americans, a fat intake of 25 to 35% of calories is recommended for children ages 4 to 18. This change would provide students with a wider range of healthy food options and allow school nutrition programs to better meet the needs of their customers/students.
2. **Exempt milk and cheese from the fat limit requirements.** SB 313 already exempts nuts and seeds from this provision. Milk and cheese are an excellent source of protein and calcium and should be encouraged as part of a student's diet.
3. **Provide greater flexibility in the type of low-calorie beverages that can be sold on school grounds during the school day.** SB 313 would limit schools to the sale of only water, milk or 100% fruit or vegetable juice. The substitute amendment to AB 620 would allow for the sale of soda water beverages containing less than 40 calories per container. This change would allow students more beverage options and school districts access to a much-needed revenue stream.

Unfortunately, the changes made to AB 620 did not include a **"Bell-to-Bell" amendment** that would apply the nutrition standards in the bill to foods sold to students and school staff as part of a classroom project or by a student club. Such an amendment would close a loophole that defeats the purpose of the bill. SNA-WI believes the message on good nutrition should be consistent during the entire school day, regardless of where or from whom a student is purchasing a food product.

The School Nutrition Association of Wisconsin strives to be a comprehensive school food service resource for child nutrition in Wisconsin, and our members are committed to advocating for properly-funded, quality nutrition programs for all students. With that in mind, SNA-WI supports the concept of SB 313 and its goal to improve school nutrition standards in Wisconsin.

However, SNA-WI and our 1,250 members would urge you take into account our recommendation to incorporate the changes made to AB 620 and include a "Bell-to-Bell" amendment to SB 313 before you take further action on the bill. Thank you for your thoughtful consideration of our request.

School Nutrition Association of Wisconsin – *Making the right food choices, together*

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E-Mail: info@sna-wi.org • Web Site: www.sna-wi.org



March 24, 2010

The Honorable Members of the Senate Education Committee
Wisconsin State Senate
Post Office Box 8952
Madison, WI 53708

Dear Chairman Lehman, Vice-Chair Jauch, and Members,

I am writing to express the American Cancer Society's support of Senate Bill 313, related to physical fitness assessments and school nutrition.

Approximately one-third of all cancer deaths are attributable to poor diet, physical inactivity, and overweight and obesity. Being overweight or obese has been associated with increased risk of several different common cancers, including colon, esophagus, kidney, endometrial, and breast cancer. Regardless of weight, physical activity has been shown to decrease the risk of certain cancers. In addition, there is substantial evidence of the relationship between nutrition and cancer risk. Diets very low in vegetables, fruits and whole grains, and high in red and processed meats are associated with increased risk of some common cancers. Poor nutrition, including consumption of calorie-dense and high sugar foods and beverages, is a major contributor to obesity.

It is essential that healthy behavior patterns are established early in childhood. Maintaining a healthy weight from childhood through adulthood can substantially reduce an individual's cancer risk. Schools are a critical place to teach children about maintaining a healthy weight, being physically active, and adopting a healthy diet for life. The Society supports policies that provide quality, affordable nutritious foods in schools and quality, age-appropriate health and physical education to all students.

We recognize that fostering healthy behaviors and removing barriers to healthy living may be among the most critical actions we can take to promote wellness and reduce the burden of cancer in Wisconsin. The Society supports Senate Bill 313 as a way to promote healthy eating behaviors and encourage physical activity among Wisconsin students and urges you to approve this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob A Meyer".

Bob Meyer
Wisconsin Government Relations Director